

## *Appendix C*

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**H. T. HARVEY & ASSOCIATES**  
**ECOLOGICAL CONSULTANTS**

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DEC 01 2005

DAVID J. POWERS  
& ASSOCIATES, INC.

November 29, 2005

Ms. Shannon George  
David J. Powers and Associates  
1885 The Alameda, Suite 204  
San Jose, CA 95126

RE: Murphy Ranch Road Burrowing Owl Assessment (HTH #2608-01)

Dear Ms. George:

Per your request, H.T. Harvey & Associates has conducted a habitat assessment for Burrowing Owls (*Athene cunicularia*) on a  $\pm 22$ -acre site located on the west side of Murphy Ranch Road, immediately east of Coyote Creek and south of Technology Drive, in Milpitas, California. The purpose of this survey was to determine whether suitable habitat for Burrowing Owls is present on this site.

H.T. Harvey & Associates wildlife ecologist Laird Henkel, M.S., conducted a reconnaissance-level survey of the site on November 3, 2005, during the Burrowing Owl non-breeding season. The site consists of an open field of bare dirt that had been disked relatively recently (i.e., probably within the past few months). It is surrounded by light industrial development to the north, east, and south, and by the Coyote Creek levee to the west. No Burrowing Owls or secondary evidence of their presence (e.g., feathers, castings, prey remains) were observed. However, California ground squirrel (*Spermophilus beecheyi*) burrows were found throughout the site, and conditions on the site were suitable for foraging by owls, making the site consistent with potential Burrowing Owl foraging, nesting, and roosting habitat. Because this reconnaissance-level survey was not conducted according to the protocol accepted by the California Department of Fish and Game (CDFG) for surveys for this species (which requires site visits on four separate days if suitable habitat is present), presence/absence was not determined by our survey.

H.T. Harvey & Associates previously surveyed the majority of this site, finding two Burrowing Owls on the site in January 2001. A Mitigation Agreement (CDFG #1802-2001-011-3) between Townsend Milpitas LLC and the CDFG, dated January 2001, provided for mitigation for impacts to Burrowing Owls on this site. The Mitigation Agreement was assumed by Lucent Technologies Inc. in May 2001, and in July 2002, Lucent purchased 26 mitigation credits at the Agua Fria Conservation Bank as mitigation for impacts to Burrowing Owls on this site. In our opinion, this mitigation reduces impacts to nesting, roosting, and foraging Burrowing Owls on the Murphy Ranch Road project site to less-than-significant levels under the California Environmental Quality Act.

Please feel free to contact me at [srottenborn@harveyecology.com](mailto:srottenborn@harveyecology.com) or (408) 448-9450 ext. 220 if you have any questions regarding our assessment. Thank you for contacting H.T. Harvey & Associates regarding this project.

Sincerely,

Stephen C. Rottenborn, Ph.D.  
Senior Associate Wildlife Ecologist